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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,284

12/03/2003

Vernon George Houle

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07/13/2005

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EXAMINER

STONE, JENNIFER A

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,284

Applicant(s)

HOULE, VERNON GEORGE

Examiner

Jennifer A. Stone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>December 3, 2003</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLintock et al. (US 2002/0099945) and further in view of Drori (US 5,650,774).

For claim 1, McLintock discloses a method of controlling movement on the inside and around the outside of a facility, comprising the steps of: providing each person within the facility with a transmitter which emits a unique personality profile (paragraph 0012, Ins 1-8; parag 0029, Ins 8-17; parag 0037, Ins 14-21) embedded in the unique personality profile is an access level (parag 0012, Ins 11-14); providing each security door with a lock, a receiver and a controller (parag 0027, Ins 1-5; Fig. 2, items 26, 28), the receiver receiving the unique access personality profile from the transmitter (Fig. 1, items 28, 24), the controller reviewing an access level and unlocking the lock to the security door to permit access only when the unique personality profile has an appropriate access level (parag 0012, Ins 10-20). Even though McLintock discloses that the personality profile consists of one access level, it is unclear if that one access level is selected from multiple access levels. Drori, on the other hand, discloses a transmitter embedded with an access level for an individual, selected from multiple access levels (col 1, Ins 16-20; col 3, Ins 34-38; col 5, Ins 39-58). It would have been

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obvious to one of ordinary skill in the art, at the time the invention was made to include a transmitter for an individual that contains one access level, selected from multiple access levels, in order to control individuals having access to classified information within a facility.

For claim 5, McIntock discloses a controller monitoring a perimeter loop, which includes at least one of the security doors (parag 0020, Ins 6-10).

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock and Drori, as applied to claim 1, and further in view of Beigel et al. (US 2003/017049).

For claim 2, McIntock does not disclose the transmitter being secured to a person with a tamper-resistant band. However, Beigel discloses this feature (parag 0021, Ins 7-17). It would have been obvious to include a transmitter in a tamper-resistant band so that the band (along with the personality profile) is not easily lost or stolen.

For claim 3, McIntock does not disclose the controller initiating an alarm condition when the tamper-resistant band is removed. However, Beigel discloses this feature (parag 0028, Ins 5-12 and 27-30). It would have been obvious to include an alarm condition when the band is removed so that a breach of security is acknowledged.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock and Drori, as applied to claim 1, and further in view of Steeves (US 6,570,487).

McLintock discloses a transmitter that includes a unique personality profile of a person that includes an access level; however, McIntock does not initiate an alarm upon an inappropriate access level. However, Steeves discloses a controller initiating an alarm condition when the person passing through the security door is not at the appropriate access level (col 1, lns 59-65; col 4, lns 6-8; col 10, lns 51-61; col 11, lns 6-9). It would have been obvious to emit an alarm condition so that employees with access to low-level security areas acknowledge (by the alarm condition) inappropriate behavior if they attempt to enter a high-level security area.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock and Drori, as applied to claim 1, and further in view of Muhme (US 5,886,634).

McIntock discloses a unique personality profile, but does not disclose a controller permitting an unauthorized person access only by an accompanying person with a unique personality profile. However, Muhme discloses a controller permitting an unauthorized person access when accompanied by an accompanying person with an identification tag that is at the appropriate access level (col 1, lns 43-49; col 2, lns 50-56; col 3, lns 4-10 and 15-20; col 8, lns 38-42). It would have been obvious to permit an unauthorized person access with an authorized person to facilitate a productive working environment.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock and Drori, as applied to claim 1, and further in view of Hyatt, Jr. (US 5,319,362).

McIntock does not disclose granting access to persons with certain access levels only when weather conditions are appropriate; however, Hyatt discloses some

variable access security doors, which are accessible to some access levels only when weather conditions are appropriate and granting access to persons with access levels only when weather conditions are appropriate (col 5, Ins 3-10). For instance, depending on the appropriate weather condition, the door will either lock or unlock. Even though Hyatt does not specifically disclose that the controller receives weather-monitoring input, it would have been obvious that the controller receives some type of weather related input (via sensors, detectors, etc...) to provide direction to the door. In addition, it would have been obvious to monitor the weather to determine door status so that the facility does not experience adverse conditions in the facility due an opened door.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLintock, Drori, and Steeves, and further in view of Werb et al. (US 6,700,533).

McLintock does not disclose the transmitter to include a global positioning module system (GPS); however, Werb discloses a transmitter, associated with an individual, that includes a GPS which remains dormant until activated by a particular condition (such as motion) (col 2, Ins 5-11, 21, 22; col 5, Ins 1-5; col 6, Ins 28-31). Even though Werb does not specifically disclose that the tag is active upon an alarm condition, it would have been obvious that the tag remains dormant and is activated upon motion so that an individual within a facility can be monitored via their movement, not just upon entry and exit locations. In addition, the condition (i.e. movement/alarm) of the tag is conducive to saving power when the tag is only activated when the condition is sensed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Baump et al. (US 4,148,012) discloses an access control system where reader terminals receive personnel cards to control locking doors. In addition, the personnel cards include access levels.

Calvesio et al. (US 2002/0149467) discloses an employee access control system where biometric data is stored on a card and card data is received by a reader to control locking doors.

Prokoski et al. (US 6,850,147) discloses a personal biometric key where the key accesses a biometric lock depending on the particular access level of the person.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Stone whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

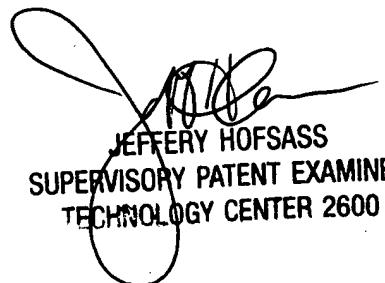
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass, can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Stone
July 1, 2005



JEFFERY HOFSA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600